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PLEASE RESPOND TO ROSELAND OFFICE

August 2, 1988

VIA FEDERAL EXPRESS

Mr. Stephen Wassersug
Director
Hazardous Waste Division
U.S. Environmental Protection Agency
Region III
841 Chestnut Building
Philadelphia, PA 19107

Re: Novak Sanitary Landfill Site

Dear Mr. Wassersug:

We are writing to seek your approval of a proposal recently made to EPA by certain potentially responsible parties ("PRPs") with respect to conducting a geohydrological investigation at the Novak site. The proposal, originally made in writing to Mr. Joseph Donovan by letter dated July 14, 1988, makes eminent sense both from the PRP and government perspective. A copy of that letter is enclosed for your convenience. Mr. Donovan is aware that you are being contacted directly.

EPA has invited the ten PRPs who have thus far been notified to perform an RI/FS for the Novak site, and Mr. Donovan has set an August 11, 1988 deadline for the PRPs to commit to this RI/FS. However, after considerable discussion, the PRPs concluded, based upon a proposal formulated by their consultant, Geraghty & Miller, that, in the first instance, the information needed by EPA on

the Novak site can be obtained most efficiently and quickly through the conduct of a "field investigation" rather than through an RI/FS. Consequently, this alternative approach was proposed to EPA in the above-referenced July 14, 1988 letter.

For several reasons, the field investigation approach would be superior to the conduct of a full RI/FS, both from the point of view of the PRPs and EPA. A field investigation would gather all information necessary to fully characterize the Novak site, under the comprehensive work plan that has been proposed. It would follow strict QA/QC protocols and would be conducted under full EPA supervision and oversight. However, because the field investigation would not have to follow all of the strict administrative requirements of the NCP, it could be conducted more quickly than could the same tasks under an RI/FS, and it would require the dedication of fewer EPA resources to perform the oversight function.

The PRP proposal contemplates the execution of an order pursuant to Section 3013 of RCRA as the mechanism for obtaining an enforceable commitment from the PRPs. Several of the named PRPs for Novak have been involved in field investigations under RCRA 3013 orders for other sites, and in those instances it has been the experience of both PRPs and EPA that this mechanism was effective and administratively less cumbersome than the RI/FS process. If results of the field investigation indicate that additional work needs to be conducted, such work can promptly be initiated, leading, if necessary, to a completed RI/FS.

Various other factors render the Novak site particularly appropriate for the use of a 3013 order. Although hundreds of parties have been identified as users of the Novak Sanitary Landfill during its period of operation, only ten parties have been named as PRPs by EPA. Many of these PRPs believe they can demonstrate either that their waste was not hazardous or that hazardous constituents in their waste were insignificant. The PRPs have been told that EPA is about to name six more PRPs. However, it is extremely unlikely that any of these new PRPs will be in a position by EPA's August 11 deadline to make a decision on whether to proceed with an RI/FS. Thus, the ten originally-named parties will, in all probability, have to decide whether to fund any remedial studies by themselves.

In addition, as various PRPs have explained more fully in a May 27, 1988 letter to Joseph Donovan (copy enclosed),

the accuracy of EPA's prior data concerning the supposed threat posed by the Novak site has been seriously questioned. In fact, most of EPA's data, based on a single day's samples taken nearly four years ago by EPA's contractor, NUS Corporation, have been deemed to be unreliable from a QA/QC perspective by NUS itself. In addition, a substantial body of data indicates that any contamination in the area results from naturally occurring geologic sources and/or point sources other than the Novak site. Furthermore, after a detailed hearing that considered substantial technical information on the site, the Pennsylvania Environmental Hearing Board recently found that Novak Landfill could remain in operation. It continues in operation at the present time.

Although the Novak site was proposed for inclusion on the National Priorities List ("NPL") over 18 months ago (in January 1987), the site still has not been placed on the NPL. Nevertheless, EPA has informed us that the site has been scheduled for commencement of an RI/FS during the first quarter of Fiscal Year 1989, and that EPA believes that response activities can proceed quickly enough for "substantial and continuous physical on-site remedial action" to commence by the October 1989 deadline (for 175 facilities nationwide) pursuant to Section 116 of CERCLA, 42 U.S.C. §9616. Assuming any remediation is shown to be necessary, we are dubious that the RI/FS and remedial design stages can be completed and remedial action begun by that deadline. Nevertheless, the work that the PRPs propose to undertake will assist EPA by expediting the site investigation. Implementation of the proposal will not delay the project, and could, in fact, move it forward more quickly than if EPA were to conduct an RI/FS through its contractor.

Geraghty & Miller has advised the PRPs that the work called for in the proposal could be completed and presented to EPA in time for EPA to commence the RI/FS in the first quarter as scheduled. Consequently, there should be no detriment to EPA. Furthermore, if the investigation shows significant contamination at the site, one would have to predict that there would be a greater likelihood that the PRPs would be willing to assume the burden of the RI/FS.

In short, the use of a 3013 mechanism will make it much more likely that the existing Novak PRPs will be able to reach a consensus on conducting remedial studies at the site before EPA's proposed deadline. The field investigation proposed by the PRPs will not in any way slow down site characterization or delay the implementation of a full RI/FS, if current study results reveal that such an expanded study

is necessary. Consequently, the use of a 3013 order will in no way prevent EPA from achieving any statutorily-imposed deadlines for institution of any necessary remedial actions. Furthermore, while the initial field study is underway, newly-designated PRPs will have enough time to acquaint themselves with the facts, so as to make an informed decision on future participation in the remediation process. Thus, the interests of preserving the Superfund (the proposed work would not be duplicative), encouraging private party responses and adhering to legislative deadlines all would be served.

We would very much appreciate the opportunity to make a comprehensive presentation of our proposal to you at your earliest convenience, at which time we can answer any questions which you may have. Considering the August 11 deadline that now constrains us, we respectfully request a prompt response to this letter. I can be reached by telephone at (201) 228-5700. Your consideration is appreciated.

Very truly yours,

WILLIAM J. FRIEDMAN for
THE NOWAK PRPs

WJF:ccr/010-1
Enclosures
cc: Mr. Joseph Donovan, EPA, Region III

Raytheon

July 14, 1988

BY FEDERAL EXPRESS

Joseph J. C. Donovan, Esquire - 3RC23
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III
341 Chestnut Building
Philadelphia, Pennsylvania 19107

Re: Novak Sanitary Landfill

Dear Mr. Donovan:

Reference is made to the letter to you dated June 15, 1988 from the Potentially Responsible Parties thus far notified by the EPA ("the current PRP's") with respect to the Novak Sanitary Landfill ("the Site"). Among other things, the above-referenced letter confirmed that the EPA would provide an additional thirty days, i.e., until July 15, 1988, for the current PRP's to seek to organize and to address technical and allocation issues relating to the Site. This letter is intended to provide you with an update of our activities over the past thirty days and also to set forth our proposed course of action for the next several weeks.

Because of the significant technical uncertainties faced by the current PRPs at the Site, the primary focus of the group over the past month has been to choose a technical consultant. The consultant chosen was Geraghty & Miller. This choice was based on careful evaluation of the proposal submitted by Geraghty & Miller, interviews with the project team, and the consulting firm's excellent reputation in the area of groundwater investigation and remediation.

The current PRP's have also been struggling with allocation issues. In an effort to resolve some of those issues, members of the group conducted an extensive review of available EPA documents

relating to the Site. Based on this review, the current PRP's would like to recommend to the EPA that other entities be added to the PRP group and that follow-up inquiries be made relative to a number of other entities. It is our intention to present this information to you during our meeting with you on July 21, 1988.

As mentioned above, Geraghty & Miller submitted a proposal to perform technical services relating to the Site. The scope of work calls for a field investigation intended to provide an improved understanding of the hydrogeologic and groundwater quality conditions at the Site. This scope of work is attached hereto as Exhibit 1. As you can see, the components include a review of existing data, a fracture trace analysis as a means of locating additional monitoring wells, and the preparation of a technical work plan for additional field work at the Site. Basic elements of this technical work plan include a geophysical survey, the installation of additional monitoring wells, an aquifer test and groundwater sampling. Geraghty & Miller believes that the data generated as a result of this work plan would provide a good basis for the formulation of the first phase of a Remedial Investigation and Feasibility Study at the Site. Geraghty & Miller has already commenced its review of the existing data relating to the Site, and expects to submit a technical work plan for review and approval within one month after completion of the data review.

We look forward to discussing our recent activities and also our proposed course of action with you at our meeting on Thursday, July 21, 1988.

Very truly yours,

Cindy A. Lewis
on behalf of

The Potentially Responsible Parties thus far notified by EPA with respect to the Novak Sanitary Landfill

cc: Michael Towle

EXHIBIT 1

SCOPE OF WORK

The preliminary site assessment will consist of a data review and field investigation to characterize subsurface conditions at the Novak Sanitary Landfill site and will address the following:

- The directions of ground-water flow will be determined by installing and evaluating data from wells tapping discrete fracture intervals. The geologic structure and possible mounding effects by the landfill will be taken into account.

- The extent and magnitude of ground-water contamination, which may be attributable to the landfill, will be assessed.

- Residential wells will be inventoried and potential routes of exposure identified and assessed.

- The Kramer well will be investigated, and its position relative to the landfill (upgradient or downgradient), as well as all potential sources of the contaminants found in this well, will be assessed.

- A valid, technical data base will be established to evaluate the need for further work.

The field investigation will be designed to complement and fully utilize previous work. Existing monitoring wells will be sampled if they are constructed properly; existing ground-water-quality data will be used to help locate new wells and identify the chemicals of concern. However, the

investigation will provide a complete up-to-date data base, and the current data will be used for future decisions concerning the site.

The components of the investigation include the following tasks:

Task 1. Data Review
Task 2. Preparation of the Work Plan
Task 3. Fracture Trace Analysis
Task 4. Field Investigation
Task 5. Data Evaluation and Report Preparation

Each of these tasks is described in detail below.

Task 1. Data Review

Published and unpublished data will be collected and reviewed. The data to be collected will include, but not be limited to, U.S. Geological Survey (USGS) and Pennsylvania Geological Survey (PAGS) publications, U.S. Department of Agriculture (USDA) soil surveys, unpublished geologic reports from local universities, Satterthwaite reports and correspondence, NUS reports and correspondence, a literature search on the occurrence of barium in the environment and concentrations of barium in carbonate aquifers, Pennsylvania DER water quality data from sampling local residential wells, land-use information within a 1-mile radius, groundwater users within a 0.5-mile radius, and a review of the quarrying operations in the vicinity of the Novak Landfill.

The validity of data collected during the NUS sampling round and in the Satterthwaite reports will be evaluated during this task. If it is determined that the Satterthwaite wells and water-quality data are acceptable, then the work plan will be written based upon their work.

If, [illegible] is determined that due to [illegible] well construction (such as commingling potentiometric heads and water quality from various fracture zones, thereby "blending" contaminated with uncontaminated water), that the Satterthwaite wells are masking the true picture of flow directions and ground-water quality at the site, then additional work will have to be performed to properly assess the hydrogeologic system.

Task 2. Preparation of the Work Plan

A work plan for the preliminary site assessment will be prepared and submitted to the USEPA for approval prior to the start of field work. The work plan will describe methods of well installation and sampling, well cluster placement, aquifer testing, and geophysical surveys. The work plan will also include specifications for health and safety aspects of the investigation and QA/QC.

Task 3. Fracture Trace Analysis

To aid in locating additional monitoring wells at the Novak Landfill, a fracture trace analysis will be performed to locate lineaments and fracture traces. Stereo pairs of black-and-white photographs as well as infrared photographs will be reviewed by using a stereoscope. Side Looking Radar (SLR) photographs, if available for the area, will also be evaluated and fracture traces plotted. As the intersecting lineaments and fracture traces generally indicate bedrock fractures, they will aid in locating new monitoring wells on the Novak Landfill property.

Task 4. Field Investigation

The field investigation task will be comprised of four subtasks: (1) a geophysical survey may be undertaken to aid

[illegible] interference (aquifer testing) and (4) ground-water sampling.

Subtask 1. Geophysical Survey

A resistivity survey may be conducted to locate zones of highly conductive ground water, if present, radiating from the landfill.

Subtask 2. Monitoring Well Installation

If the Satterthwaite wells are found to be properly constructed, then three to five additional wells will be installed, in cluster arrangements, to verify ground-water flow directions, identify vertical components of flow, and evaluate mounding effects of the landfill. If the Satterthwaite wells are not considered acceptable for monitoring purposes, then five to eight new bedrock wells will be installed at the site to define horizontal and vertical components of ground-water flow, mounding, and interconnection of on-site wells with the Kramer well.

The newly installed monitoring wells will tap only one fracture zone in order to clearly evaluate ground-water quality and flow at the site. The unconsolidated sediments will be drilled using an auger drilling rig and sampled with a split-core barrel (split spoon). The samples will be analyzed for barium; Shelby Tube samples may also be collected in the residuum for permeability analysis. If water is encountered in the overburden above bedrock, a small-diameter, PVC monitoring well may be installed. The bedrock wells will be drilled with mud rotary in the overburden and an air-rotary, down-hole hammer in the bedrock. As barite (a barium mineral) is a constituent of drilling mud, no samples will be collected in the overburden when using the mud-

May 27, 1988

Joseph Donovan, Esq.
United States Environmental Protection Agency
Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

Re: Novak Santiary Landfill, Whitehall Township, LeHigh County, Pennsylvania --EPA RI/FS Participation Request to Current Novak Landfill PRPs

Dear Mr. Donovan:

This letter is written on behalf of the undersigned entities, identified by EPA at various times over the past year as parties who may have some responsibility for allegedly contaminated conditions at the Novak Sanitary Landfill ("the current PRP group"). The current PRP group wishes to respond to EPA's request for their participation in development of a remedial work plan (RI/FS) for the Novak site. Initially, many if not all of the current PRPs have historically cooperated, where appropriate, with the efforts of various environmental enforcement agencies to address and remediate problem environmental conditions. However, there are currently serious questions about the nature and extent of the contamination alleged to exist at and in the vicinity of the Novak Landfill. We believe that a meeting with EPA can help to better define the parameters of work appropriate for the Novak landfill site. As this letter outlines, much data is already available which can provide the blueprint for any additional investigatory work which may be necessary.

The data developed by EPA to date is, at best, inconclusive concerning the seriousness of environmental conditions at and around the Novak Landfill. EPA's data, which are based on a single day's samples taken nearly four years ago by EPA's contractor, NUS Corporation, have been deemed to be unreliable from a QA/QC perspective by NUS itself. This, at a minimum, creates doubt about the validity of most if not all of the analytical results made for the Novak site in June 1984.

In addition, there is a substantial body of data to support the premise that the relatively high concentrations of certain organic and inorganic substances measured by EPA in several of its samples may be traced to naturally occuring geologic sources and/or point sources other than the Novak site. For instance, barium -- an inorganic constituent found in numerous samples taken by EPA -- occurs naturally in association with the regional carbonate rock types. As another example, relatively high barium levels and levels of certain organic substances normally associated with petroleum hydrocarbons were found in a single drinking water well located west of the Novak site. These readings apparently form the principal basis for the Novak site's high groundwater pathway score assigned by EPA, which in turn greatly impacted on the site's current 42.3 HRS score. However, EPA's postulated contaminent pathways are speculative at best. In fact, they are not supported by available empirical data which are descriptive not only of the regional geology but of actual site-proximate groundwater flow conditions over an extended period of time.

The Novak landfill has also already been the subject of administrative adjudicatory hearings involving the Pennsylvania Department of Environmental Resources (PADER). The landfill was closed at the end of 1984 by PADER, which alleged a number of environmental violations ultimately proved to be unsubstantiated. The landfill owners challenged PADER's closure action and, as a result, a substantial technical and factual record of conditions at the site was developed. On the basis of this data, the Environmental Hearing Board (EHB) found that PADER's closure of the Novak landfill was unwarranted. Two and one half years after it was closed by PADER, the Novak Landfill was allowed to resume operation.

The considerable body of technical data provided regarding the Novak landfill was substantiated by the EHB. The EHB record has been available to EPA since March 1987. On March 20, 1987 the Novaks submitted this information to EPA in an effort to convince the Agency that the available technical and legal record warranted re-evaluation and concommitant reduction of the landfill's high HRS score. To date, there has been no EPA response to the Novaks' submission.

Based upon the extant information, we believe that there is a serious question as to whether the Novak landfill should undergo the type or magnitude of remediation which would seem to be envisioned by EPA. Owing to the current time constraints placed on the PRPs named by EPA to date, we suggest that a meeting be arranged at the earliest possible date to discuss these matters further and in greater detail. Lawrence Diamond, Esq. of Hannoch Weisman, 4 Becker Farm Road, Roseland, New Jersey 07068, representing Stanley-Vidmar, Inc. will serve as the contact person for the undersigned PRPs. Please phone Mr. Diamond at (201) 535-5300 regarding your availability for such a meeting.

Very truly yours,

A T & T
Asbury Graphite Mills, Inc.
Caloric Corporation
General Electric Company
General Machine Corporation
Ingersoll-Rand Company
Stanley-Vidmar, Inc.
Tyler Pipe Company

cc: Michael Towle - 3HW12
Hazardous Waste Management Division
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841 Chestnut Building
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